G R S 58]

Previous references

1918-19 (Misc 8)

Present

File No 57-18

Serial Nos 11 to 12

Later references

Mil 41-18 Sec 54
Mil 77-18 & 110 to 116
Ex 61-20-45 do
" 74-23 (182)
Rev 150-22

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 11 to 12

Part B for

SUBJECT

Election Rules for Minor Municipal Councils 1918.

8(11) From Mr V J Puttanna, Petition dt 10-12-18 praying that the Sakleshpur Municipal Council may be directed to include his name in the list of eligible Candidates for Municipal Councillorship

8(12) To the Hon'ble Secretaries to Govt. by Commr Kadu, Registrar Chief Controller Municipal Council, Bangalore, Mysore, Coorg Gazette for Publication in Part II

G.O No. 355-95-57 E-1-12-18

W D 1551—GPB—20,000—12-12-18

Vant Shall take offo as an elected
Councller on any municpal Council without
obtaine thes prevens apprival
Through Theis departmental Supers.

Abdur Rahman Khan
31/VIII

G R S III—1] 1918.

(1)

GENERAL AND REVENUE SECRETARIAT

(Mil)

NOTES

File No 7-18

FILE HEADING

Telephone rules for Kumaon Mil Pols 918

From

Mr V T Puttamma

No	Dated	Received 10-12-18
Diary No 8368	Enclos / Spare Copies	Serial No 11

BRIEF ABSTRACT OF LETTER

Prays that the Sahleshur Mil Pl may be directed to include her name in the list of eligible candidates for Mil Councillorship

NOTES AND ORDERS

The Dc Kumaon, was informed that a Govt servant though otherwise qualified, cannot stand for election as Councillor or Minor Mil Ply (vide No 6385-D 21.11.18) The Petitioner was also returned a copy of the

NOTES—First Sheet

WD 1232—GPB—20 000—18 11 16

D 868

2

G R S III-2]

General and Revenue Secretariat | File No. 57 of 1918

Serial No

Can he be informed that the question cannot be reopened?

H/12. 2) Mr H V K Chase bring this up with the election rules and the file stating thereat I think there some ambiguity in the rules as they now stand A slight alteration would set the matter at rest very easily.

MK
11/12

3) The petitioners representation that his right to stand & be a candidate for Municipal Councillor under Sec 12 (a) - by being a graduate - is not lost by his being in the service of Govt appears to be correct. There is no ambiguity in the election rules.

4) Under the existing law, graduate cannot be declared ineligible to be candidate if they happen to be Govt servants. The view expressed in the Office letter No 5365-Mil 57 18 & 25-11 18 requires reconsideration.

5) The practice in Bombay is not to put full-time servants.

NOTE—Contn. sheet.

WD A 1789—GPB—60 000—20-3-18—S.

D 8368

(3

G R S III 2j

General and Revenue Secretariat | Ml File No 57 of 1918

Serial No

Shall take Office as an elected Councillor pursuant hereto having obtained the previous approval of his departmental superior.

HHK

14.12.1918

No graduate can be deprived of the privilege which he enjoys under the Statute of Standing as a candidate for Election and in this view the Contention of the Sub-Registrar is correct But the main idea of Govt in preventing Govt servants from standing for election appears to be to allow a larger non-Official element being represented on the Municipal bodies It was with this view that the prohibition was introduced in the rules These rules apply without ~~objection~~ inconsistency in the case of Govt. servants who are not graduates In the case of Govt Servants who are graduates, Executive rules prohibiting their candidature in that the approval of Govt. negatives & obviate the anticipated that has no reason in Giving effect to the rule

Draft submitted for orders

Yours obedient Servants

Hand for Election

Shall Public Tele. re Election rules owing 4

175
20-12-18

NOTE—Contin sheet

MC
16.12

WP A 1769—GPB—60 000—20 8 19—S

G R S III 2]

General and Revenue Secretariat

Mil File No 57 of 1918

Serial No	
Mil 57 18 1	8) Resubd with references NK 3 1 1919 9) There is nothing in the Regulation itself to prevent Govt servants from standing for election, and if such prevention is considered necessary rules have to be framed not inconsistent with the Regn. It is possible to frame such rules in the case of Govt servants who are not graduates but in the case of graduates they have a statutory right and unless they are prevented by an Express order in the interests of discipline, then candidature cannot therefore be questioned 10) The pble re election rules is subd MK 4 1 19 1st Member) 11) Recd in file and do. for the present & May issue NC 1 12) Issue MK 6/1
50 6-1-19-1-	
12 To	The Hon'ble Mr Secretaries to Govt. " Secretary of State " Hon'ble Ch Court, Bangalore " Pvt Sl, Ag-Mil Sl, Bangalore " Compiler, Mysore Gazette, for publication in the Gazette. " Press Table. No 8335 Dated:- That no Govt Servant shall be elected as an elected Councillor on any Mil Sl unless having obtained their respective [illegible]

NOTE—Contin sheet

To Mr 57-18-11

16810

The Secretary to the Government
of Histhighness the maharaja of mysore,
Revenue Department,
Bangalore

GEN & REV SECRETARIAT
I
REVENUE.
10 DEC 1918

P 836

Sir

With reference to your letter no 634 Mr 57-18-8 dated 25th November 1918 to the Deputy Commissioner Kadoor District I most respectfully beg to bring to your kind notice the following facts

I am a graduate holding an appointment under government I stood as a candidate for election in the Sakleshpur Municipality the President of the Board (in the matter placing my application for the election of the Board Council) has declared me ineligible to stand as a candidate. Against the order of the President, I appeal to the Deputy Commissioner Honour Kindness who has forwarded a

Copy of your letter (this above reference)
to him as endorsement to me from the
endorsement I refer that I have been declared
ineligible

Now I beg to bring to your kind
notice that I am eligible to stand as a candidate
on the following grounds -

1 In Section 15 of the Municipal Regulations of 1906
& the disqualifications disabling a person to
stand as a candidate are enumerated
and under it only judges are declared
to stand as Candidates
in the said Regulations are excluded out
of Government employees According to the
Spirit of this Section Government servants
are deemed eligible to stand as Candidates.
In Major and City Municipalities the
"Minor Municipal Election Rules" are a
set of Concession Rules and Consequently
less to importance than the Regulation body
of such Candidates, as Minor Municipalities
are to be given are to be given all the
privileges which are given by the Regulation
and shall have with them objects as Municipalities
since 1906 & the year 1920 as shown

2 The "Indian Municipal Elections Rules" are framed in consistent with the Regulations of Rule 4(c) were to exclude Government Servants the Rules could not be consistent with the Regulations

3 I am also to state that I have examined my right to stand as a candidate under section 15(4) of the Regulations read with Clause (a) of Rule 4 of the Election Rules. This Clause runs as follows

"Every graduate of any University"

The force of the word every in this Clause is to include graduates both official and non official if it were the intention that to non official only the Graduates who are officials, would qualify exclude the Graduates who are officials, would qualify

either such as non official or the phrase "other than Government Servants" as in Clause 4(c) would have found a place in the said Clause (a)

4 Rule 4 of the Indian Municipal Elections Rules enumerates several qualifications to be possessed by a candidate The possessing of any one of the qualifications is sufficient to entitle a person to stand as a candidate The non possession of the other qualifications should not be stated, as disqualifications to person as entitled as any the qualifications

enumerated in section 15 of the Representation of the People Act 1948 and to state that I am a candidate under Rule 4(a) and not Rule 4(c) of the Election Rules.

5 Again all Government servants in this Municipality possess the requisite qualifications are entitled to the list of eligible candidates and I am one of them. In this connection, I beg to state, that Government servants do not lose the right of franchise by serving Government.

6 Neither the Government nor the Representation have excluded ~~specifically~~ expressly Government servants to stand as candidates either in the Rules or in the Representation. The absence of such exclusion and the inclusion of the names of the Government servants in the list of candidates in major municipalities, show that Government cannot be in hand on to exclude for ensuing servants.

7 The election of councillors in this place takes place on Tuesday the 11th December 1951 and I therefore beg you to kindly order the said Municipality to include my name in the list of eligible candidates.

I beg to remain,

Sir,

Your most obedient servant,

(S. Pullaiah)

G R S VI-71]

SUBJECT Full-time Servants of Govt prohibited from taking office as elected Municipal Councillors.

Diary No of letter replied to 8368

Section Mund
File No S 7-18
Serial No 12

General and Revenue Secretariat
(Rev)

Proceedings of the Government of
His Highness the Maharaja of Mysore

, the 191

Date of issue 8/1/19.

Signed by Mr B T Kesavadev

Read:—

May this be

i Printed?
ii treated as a standing order?
iii published in the Gazette English part?
iv translated?
v placed at the disposal of the press?
vi published in the Gazette Kannada part?

Yes

Order Thereon — No 8355-95

Govt are pleased to direct that no full-time servant of Govt &c.

Order

who is not thereby
disqualified from
standing for election
as a Municipal Councillor
shall take office as
an elected Councillor
on any Municipal
Council without
having obtained then
previous approval through
his departmental Superior

MK
20.12.1908

Yours
Secy to Govt
Rev Dept.

To

The Heads of Depts.
" Secretaries to Govt.
" Dy Comrs of Dists.
" Regr, Chief Court with a Covering Letter.
" Presidy Cl-Mal Bangalore do
" Presidency Cl-Mal Mysore
" Compler, Mysore Gazette for publication in Pt IV of the Gazette.
" Press Table

List of enclosures.

Copied by

Examined by

S. O.

Government Servant being an elected Councillor

No 8355-95—ML 57-18-12, DATED 8TH JANUARY 1919

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE DEPARTMENTS

Order No 8355 95—Ml 57-18-12, dated 8th January 1919

Government are pleased to direct that no full-time servant of Government who is not thereby disqualified from standing for election as a Municipal Councillor shall take office as an *elected* Councillor on any Municipal Council without having obtained their previous approval through his departmental superior

C S BALASUNDARAM IYER,
For Secy to Govt, Rev Dept

To—The Heads of Departments
The Secretaries to Government
The Deputy Commissioners of Districts
The Registrar, Chief Court, with a covering letter
The President, City Municipal Council, Bangalore, with a covering letter
The President, City Municipal Council, Mysore
The Compiler, *Mysore Gazette*, for publication in Part VI of the *Gazette*
The PRESS TABLE

Exd —C R

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G. O. No. 8355-95- Ml. 57-18-12, dated 8th Jany. 1919.

Government Servant being an elected Councillor

Previous approval of Government required for a —— on a Municipal Council

W D 1264—GPB—17 1 1919—470